

REMARKS/ARGUMENTS

In the Office Action mailed November 5, 2008 (hereinafter, "Office Action"), claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 were rejected under 35 U.S.C. § 102(e). By this paper, claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 are being amended.

Applicant respectfully responds to the Office Action.

I. Claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 Rejected Under 35 U.S.C. § 102(e)

Claims 1, 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,209,874¹ to Salmonsens (hereinafter, "Salmonsens"). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1, as amended, recites:

In a Universal Plug and Play (UPnP) server system having media content available for streaming, a method for distinguishing between an original format of the media content and a non-original format of the media content, the method being implemented by a UPnP service, the method comprising:

identifying at least one media content identifier in a media content directory, wherein the media content identifier identifies the media content;

¹ Page 2 of the Office Action identifies Salmonsens as US Pub No 2005/0033850. However, Applicant believes that this is a mistake, and that the Salmonsens reference is actually U.S. Patent No. 7,209,874.

identifying a plurality of stream access identifiers that are associated with the media content identifier, wherein the stream access identifiers identify different media data streams corresponding to the same media content, wherein the stream access identifiers comprise a first stream access identifier that corresponds to an original media data stream and a second stream access identifier that corresponds to a non-original media data stream, wherein the original media data stream corresponds to the original format of the media content and is streamed from the server system without transcoding or protocol translation being performed, wherein a client is configured to select the original media data stream over the non-original media data stream, but wherein the client is unable to determine which stream access identifier corresponds to the original media data stream;

receiving a request from the client to determine whether the first stream access identifier or the second stream access identifier corresponds to the original media data stream; and

in response to receiving the request from the client, determining that the first stream access identifier corresponds to the original media data stream and notifying the client that the first stream access identifier corresponds to the original media data stream.

The amendments that are being made to claim 1 are supported by at least paragraphs [40], [43]-[44] and [52] of Applicant's specification.

Claim 1, as amended, relates to the following scenario. In a "Universal Plug and Play (UPnP) server system," suppose that there are multiple "stream access identifiers" that "identify different media data streams corresponding to the same media content." Included among these "stream access identifiers" are "a first stream identifier that corresponds to an original media data stream" and a "second stream identifier that corresponds to a non-original media data stream." Claim 1 also states that the "original media data stream corresponds to the original format of the media content and is streamed from the server system without transcoding or protocol translation being performed." Therefore, if a user wants to view and/or listen to the media content, it is preferable for the user to view and/or listen to the "original media data stream" rather than the "non-original media data stream." As a result, the client is "configured to select the original media data stream over the non-original media data stream."

Although the client is “configured to select the original media data stream over the non-original media data stream,” the problem is that the client “is unable to determine which stream access identifier corresponds to the original media data stream.” Therefore, without the claimed invention, the client does not know how to “select the original media data stream over the non-original media data stream.”

To address this problem, amended claim 1 states that the client requests that the UPnP server “determine whether the first stream access identifier or the second stream access identifier corresponds to the original media data stream.” Amended claim 1 also states that “in response to receiving the request from the client,” the UPnP server “determin[es] that the first stream access identifier corresponds to the original media data stream and notif[ies] the client that the first stream access identifier corresponds to the original media data stream.” Because of this, the client is able to “select the original media data stream over the non-original media data stream.”

Applicant respectfully submits that Salmonsens does not disclose all of the subject matter of amended claim 1. In fact, Salmonsens does not even address the same general problem as amended claim 1. In particular, Salmonsens does not relate to the situation where the client “is configured to select the original media data stream over the non-original media data stream, but ... the client is unable to determine which stream access identifier corresponds to the original media data stream,” as in amended claim 1.

Salmonsens describes a device 300 receiving content in a format that is compatible with the device 300, either directly or through format conversion. (*See* Salmonsens, col. 13, lines 16-22.) It appears that the Examiner is asserting that the compatible content in Salmonsens is the “original media data stream” in claim 1, and that the incompatible content is the “non-original media data stream” in claim 1. (*See* Office Action, page 3.) Salmonsens also refers to “Uniform Resource Identifiers (URIs) that identify content resources.” (Salmonsens, col. 20, lines 50-51.) The Examiner appears to be asserting that the URIs in Salmonsens are “stream access identifiers” as recited in claim 1. (*See* Office Action, page 3.)

However, even assuming for the sake of argument that the Examiner’s assertions are correct, Salmonsens does not disclose all of the subject matter of amended claim 1. For example, Salmonsens

does not disclose a “first [URI] that corresponds to [compatible content]” and “a second [URI] that corresponds to [incompatible content],” as required by amended claim 1. As mentioned above, Salmonsens merely refers, in very general terms, to “incompatible content” being “convert[ed] ... to a format that is compatible with the device.” (Salmonsens, col. 13, lines 18-22.) At no point does Salmonsens describe two different URIs, one corresponding to compatible content and another corresponding to incompatible content.

Because Salmonsens does not disclose a “first [URI] that corresponds to [compatible content]” and “a second [URI] that corresponds to [incompatible content],” it logically follows that Salmonsens also does not disclose that the device 300 “is unable to determine which [URI] corresponds to the [compatible content],” as required by amended claim 1. Nor does Salmonsens describe the device 300 sending a request to a server “to determine whether the first [URI] or the second [URI] corresponds to the [compatible content],” as in amended claim 1. Nor does Salmonsens describe a server “determining that the first [URI] corresponds to the [compatible content] and notifying the [device 300] that the first [URI] corresponds to the [compatible content],” as in amended claim 1.

As can be seen, the subject matter of amended claim 1 is significantly different than the subject matter of Salmonsens. Accordingly, Applicant respectfully submits that amended claim 1 is allowable. Claims 4-6 and 8-9 depend from claim 1. Claims 10 and 19 have been amended to include subject matter that is similar to the subject matter that was discussed above in connection with claim 1. Claims 13-15 and 17-18 depend from claim 10, and claims 22-24 and 26-27 depend from claim 19. Accordingly, Applicant respectfully submits that claims 4-6, 8-10, 13-15, 17-19, 22-24, 26 and 27 are allowable for at least the same reasons as presented above in connection with claim 1.

II. Conclusion

Applicant respectfully asserts that all pending claims are allowable over the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', with a stylized flourish at the end.

/Wesley L. Austin/

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